STATUTORY RULES OF NORTHERN IRELAND

1999 No. 3

WATER AND SEWERAGE

The Protection of Water Against Agricultural Nitrate Pollution (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*7th January 1999*
Coming into operation	*1st March 1999*

The Department of the Environment and the Department of Agriculture, being departments designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the prevention, reduction and elimination of pollution of water, acting jointly in exercise of the powers conferred on them by that section and of every other power enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Protection of Water Against Agricultural Nitrate pollution (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st March 1999.

(2) In these Regulations, "the principal Regulations" means the Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland) 1996(**3**).

(3) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended as provided by paragraphs (2) to (7).

(2) In Regulation 2, for the definition of "nitrate vulnerable zone" there shall be substituted—

""nitrate vulnerable zone" means an area of land designated pursuant to regulation 3(2) (including an area of land designated pursuant to that regulation following a review pursuant to regulation 3(3));" .

(3) For regulation 3 there shall be substituted–

(**1**) S.I. 1989/2393
(**2**) 1972 c. 68
(**3**) S.R. 1996 No. 217
(**4**) 1954 c. 33 (N.I.)

"**Nitrate vulnerable zones**

3.—(1) The Departments shall identify, in accordance with the criteria set out in Schedule 1, waters affected by pollution and waters which could be affected by pollution if action pursuant to regulation 6 is not taken.

(2) The Departments shall designate as vulnerable zones all known areas of land which drain into the waters identified in accordance with paragraph (1) which contribute to pollution.

(3) The Departments shall, as soon as practicable and then by 19th December 2001 and at least every 4 years thereafter, review and if necessary revise or add to the designation of nitrate vulnerable zones made pursuant to paragraph (2) to take into account changes and factors unforeseen at the time of the previous designation.

(4) For the purpose of facilitating a review carried out pursuant to paragraph (3) the Departments shall, in accordance with the criteria set out in Schedule 1, review and if necessary revise or add to the identification of waters made pursuant to paragraph (1)

(5) The Departments shall give notice of any designation, or of any revision of any designation, of a nitrate vulnerable zone under paragraph (2) in such form and manner as they consider appropriate for the purpose of bringing the designation or revision to the attention of persons likely to be affected by it and a notice given pursuant to this paragraph shall state where a map showing the area of the designated or revised nitrate vulnerable zone may be inspected.".

(4) For regulation 5 there shall be substituted–

"**Code of good agricultural practice**

5. With the aim of providing for all waters a general level of protection against pollution, the Department of Agriculture shall–

(a) establish a code of good agricultural practice, to be implemented by farmers on a voluntary basis, which should contain provisions covering at least the items mentioned in Schedule 2A;

(b) set up where necessary a programme, including the provision of training and information for farmers, promoting the application of the code of good agricultural practice.".

(5) In regulation 6(3)–

(a) for sub-paragraph (*a*) there shall be substituted–

"(a) in the case of a nitrate vulnerable zone designated pursuant to regulation 3(2) before the initial review pursuant to regulation 3(3), as soon as practicable; and";

(b) in sub-paragraph (*b*, for "in accordance with regulation 3(2)" there shall be substituted "pursuant to regulation 3(2) following a review pursuant to regulation 3(3)".

(6) In regulation 7(1)(*b*), for the words "referred to in" there shall be substituted "established pursuant to".

(7) The following Schedule shall be added after Schedule 2.

"SCHEDULE 2A

Code of Good Agricultural Practice

A code of good agricultural practice established pursuant to regulation 5 shall contain provisions covering the following items, in so far as they are relevant and taking account of the objective or reducing pollution by nitrates and of conditions in different regions: